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# Selected Issues for the Business and Labor Interim Committee:

## Procedures for Adoption of a State Construction Code

*At the request of the chairs of the Business and Labor Interim Committee, staff to that committee prepared the following to highlight possible procedural issues that the Business and Labor Interim Committee might consider related to the newly enacted legislative process of adopting a state construction code. This is not a comprehensive discussion of all potential issues. For example, if legislation is prepared, clarification of definitions and other technical and conforming amendments could be made. For further information, a person may contact the Office of Legislative Research and General Counsel*

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### **KEY QUESTIONS**

The following are key questions the Business and Labor Interim Committee could face in determining how best to implement the newly enacted statutory process for adopting a state construction code.

- Should legislative action be taken in the form of a bill or joint resolution, e.g.:
    - Should a state construction code be codified or placed in the *Laws of Utah*?
    - Should the legislation address more than the adoption of a state construction code?
    - Should the legislation include detailed amendments to a nationally recognized code or should it incorporate amendments by reference?
  - Is it clear how local versus statewide amendments will be addressed by legislative action?
  - Is it clear whether the commission or board may approve a new edition of a nationally recognized code or only amend a legislatively adopted state building code or state fire code?
  - Should provisions related to the state fire code be moved to the Utah Fire Prevention and Safety Act?
- are needed, or other issues be addressed in statute or in each legislative action?
  - Is the interface between the Business and Labor Interim Committee and the board or commission regarding an interim fire/building code provision sufficient?
  - Are the timing requirements workable and clear, e.g., May, Oct, November; amendments v. new editions?
  - Is the scope of the May, October, and November reports to the Business and Labor Interim Committee clear?
  - Are requirements for coordination with other agencies concerning standards for specialized buildings clear?
  - Is it clear whether an interim fire/building code provision is applicable to the entire state or only within a city, county, or fire protection district?
  - Is it workable for the Legislature to adopt an interim fire/building code provision by "sine die" the next general session?
  - Is it clear whether the Legislature may adopt a change to a nationally recognized code that is not based on a provision in a nationally recognized code?

### **EXAMPLES OF OTHER QUESTIONS**

Although not comprehensive, the following highlights examples of other questions that the Business and Labor Interim Committee could consider in determining how best to implement the newly enacted statutory process for adopting a state construction code.

#### **State Construction Code/General**

- Should issues such as whether a state construction code is a minimum/maximum standard, whether consistent effective dates

#### **State Fire Code**

- Is the role of the board in adopting amendments to a state fire code clear?
- Only the board, State Fire Marshal Division, or a city, county, or fire protection district may currently request/recommend a change to the board, should this be expanded?
- Do references to enforcing rules under the Utah Fire Prevention and Safety Act need to be appended to include a reference to the state fire code?
- Is the relationship between the state fire code and standards adopted by the board clear?

#### **State Building Code**

- Are the May and October public hearings to be held by the commission workable?
- Is the process for recommending legislative action, which provides for a filing with the division, review by the commission, and recommendation to Business and Labor Interim Committee, workable?
- Is the treatment clear for a request for amendment by a local regulator; state regulator; state agency involved with the construction and design of buildings; contractor, plumber, or electrician licensing board; or recognized construction-related association?
- Should the provisions related to supplementing the appeals process of the International Residential Code be adjusted?

The statutory provisions outlining the process of adopting a state construction code is primarily found in Title 58, Chapter 56, Utah Uniform Building Standards Act, with coordinating provisions in Title 53, Chapter 7, Utah Fire Prevention and Safety Act, and cross references in various other portions of the Utah Code. The process includes actions by various governmental entities depending on whether the state construction code to be adopted is a state building code or state fire code. The following terms are used in this discussion of selected issues the Business and Labor Interim Committee may consider in implementing the newly enacted statutory process:

Board	Utah Fire Prevention Board
Commission	Utah Building Code Commission
Division	Division of Occupational and Professional Licensing
Interim building code provision	Change adopted by the commission between legislative sessions to the state building code
Interim fire code provision	Change adopted by the board between legislative sessions to the state fire code
Legislatively adopted building code	Nationally recognized code adopted by the Legislature to be the state building code with any amendments or interim building code provisions adopted by the Legislature
Legislatively adopted fire code	Nationally recognized code adopted by the Legislature to be the state fire code with any amendments or interim fire code provisions adopted by the Legislature
Nationally recognized code	Specific code edition adopted by a nationally recognized code authority
State building code	Current legislatively adopted building code with any current interim building code provision
State construction code	State building code, state fire code, or both
State fire code	Current legislatively adopted fire code with any current interim fire code provision